

## REMARKS

### INTRODUCTION

Claims 1-17 and 20-23 were previously and are currently pending and under consideration.

Claims 1-15, 17 and 21-23 are allowed.

Claims 16 and 20 are rejected.

Claims 16 and 20 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

### ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

## **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 2-3, claims 16 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Takahashi in view of admitted prior art. This rejection is traversed and reconsideration is requested.

Amended claim 16 recites "sending a plurality of request messages from a subscriber to the switching system to set, in order from large bandwidth to small bandwidth, various bandwidth...".

The rejection cites column 5, lines 9-10 of Takahashi. Takahashi discloses only that the switching apparatus selects the VPCs sequentially from those having larger available bandwidth. Takahashi does not disclose a subscriber sending a plurality of request messages to the switching system to set, in order from large bandwidth to small bandwidth, various bandwidth, as recited in claim 16.

The art cited in Applicant's specification also does not disclose a subscriber sending a plurality of request messages to the switching system to set, in order from large bandwidth to small bandwidth, various bandwidth.

Withdrawal of the rejection is respectfully requested.

Dependent claim 20 is patentable due at least to its dependence from allowable independent claim 16. This claim is also patentable based on its recitation that "a channel type corresponds to a type of service provided by a channel of the path". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

## **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

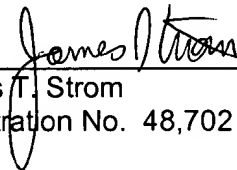
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 15 Sep. 2004

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